

FILED

MAY 20 2013

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION

Clerk, U.S. District Court
District Of Montana
Great Falls

Case No. CR 12-95-GF-DLC-RKS

UNITED STATES OF AMERICA,

Plaintiff,

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

vs.

DAVID RONALD EVANS, SR.,

Defendant.

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of Felon in Possession of a Firearm in violation of 18 U.S.C. §922(g)(1), as set forth in the Indictment. Defendant further agrees to the forfeiture of a Walther/Smith & Wesson, model PK380, .380 caliber semi-automatic pistol (serial number PK024146).

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offense charged against him, and an informed and voluntary admission to the allegation of forfeiture;
2. That the Defendant is aware of the nature of the charge against him and

the consequences of pleading guilty to the charge;

3. That the Defendant understands the allegation of forfeiture and the consequences of admitting to the allegation;

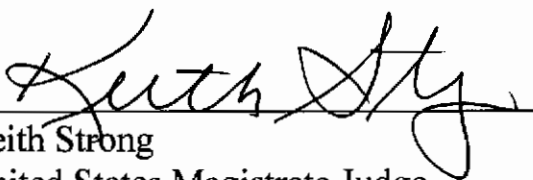
4. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty to the criminal offense charged against him, and admitting to the allegation of forfeiture;

5. That both his plea of guilty to the criminal offense charged against him and his admission to the allegation of forfeiture are knowingly and voluntarily entered, and are both supported by independent factual grounds sufficient to prove each of the essential elements of the criminal offense charged and the legal basis for the forfeiture.

Therefore, I recommend that the Defendant be adjudged guilty of the criminal charge set forth in the Indictment, and that sentence be imposed. I further recommend the agreed forfeiture be imposed against Defendant.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the presentence report.

DATED this 20th day of May, 2013.


Keith Strong
United States Magistrate Judge